



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

*[signed March 7, 2003]*

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

**MEMORANDUM**

**SUBJECT:** National Remedy Review Board Recommendations for the Vasquez Boulevard /  
Interstate 70 Superfund Site

**FROM:** Bruce K. Means, Chair /s/ **B. K. Means**  
National Remedy Review Board

**TO:** Max Dodson, Assistant Regional Administrator  
Ecosystems Protection and Remediation  
EPA Region 8

**Purpose**

The National Remedy Review Board (NRRB) has completed its review of the proposed cleanup action for the Vasquez Boulevard/Interstate 70 Superfund Site in Denver, Colorado. This memorandum documents the NRRB's advisory recommendations.

**Context for NRRB Review**

The Administrator announced the NRRB as one of the October 1995 Superfund Administrative Reforms to help control response costs and promote consistent and cost-effective decisions. The NRRB furthers these goals by providing a cross-regional, management-level, "real time" review of high cost proposed response actions prior to their being issued for public comment. The board reviews all proposed cleanup actions that exceed its cost-based review criteria.

The NRRB review evaluates the proposed actions for consistency with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and relevant Superfund policy and guidance. It focuses on the nature and complexity of the site; health and environmental risks; the range of alternatives that address site risks; the quality and reasonableness of the

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cost estimates for alternatives; regional, state/tribal, and other stakeholder opinions on the proposed actions, and any other relevant factors.

Generally, the NRRB makes advisory recommendations to the appropriate regional decision maker. The region will then include these recommendations in the administrative record for the site, typically before it issues the proposed response action for public comment. While the region is expected to give the board's recommendations substantial weight, other important factors, such as subsequent public comment or technical analyses of response options, may influence the final regional decision. The board expects the regional decision maker to respond in writing to its recommendations within a reasonable period of time, noting in particular how the recommendations influenced the proposed cleanup decision, including any effect on the estimated cost of the action. It is important to remember that the NRRB does not change the Agency's current delegations or alter in any way the public's role in site decisions.

### **Overview of the Proposed Action**

The region presented details on the proposed cleanup plan for Operable Unit 1 (OU-1) at the Vasquez Boulevard/Interstate 70 (VB/I70) Superfund Site to the NRRB on February 5, 2003. The VB/I70 site covers an area of approximately four square miles in north-central Denver, Colorado, which was thought to have been contaminated by smelters that had operated at the site. OU-1 consists of the residential neighborhoods within the site. This proposed plan presents remedial alternatives to address the health risks associated with potential exposure to soils contaminated with lead and arsenic in these neighborhoods.

The VB/I70 site is considered an Environmental Justice site because it is located in a predominantly low-income minority community which is disproportionately affected by environmental impacts from many sources of pollution, including industry and major transportation corridors.

### **NRRB Advisory Recommendations**

The NRRB reviewed the informational package (dated January 6, 2003) for this proposal and discussed related issues on February 5, 2003 with the following EPA Region 8 and Colorado State personnel.

From EPA Region 8: Bonnie LaVelle (Site Manager), Victor Ketallapper (Site Manager), Nancy Mangone (Site Attorney), Jennifer Chergo (Site Public Information Specialist), Patricia Courtney (Site Public Information Specialist), Wendy O'Brien (Site Toxicologist), Barry Lavene (Unit Leader), and Max Dodson (Assistant Regional Administrator for Ecosystem Protection and Remediation).

From the State of Colorado, Hazardous Materials and Waste Management Division: Barbara O'Grady (Project Officer), Dan Scheppers (Superfund and Voluntary Cleanup Unit Leader), and Jeff Deckler (Remedial Program Director)

Based on this review and discussion, the board offers the following comments:

- While there is evidence of lead and arsenic contamination in site neighborhoods from old smelter activity, the region presented information to the board indicating that a portion of the arsenic contamination may be the result of the historic application of

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arsenic-containing lawn care products. The region proposes to address all of the significant arsenic contamination within the OU-1 neighborhoods with this action. Due to significant community concerns expressed to the region during the remedial investigation, neighborhood boundaries influenced the selection of the study area boundaries. Prior to setting the site boundaries and developing the proposal to address the arsenic contamination, the region consulted with EPA headquarters regarding these policy issues. EPA Headquarters concurred with the region's proposal to address all arsenic contamination within the OU-1 neighborhoods regardless of the source. Consequently, the board did not revisit these issues during this review.

- As explained by the region, the currently preferred alternative was developed in response to comments received on a May 2002 proposed plan. This newly developed alternative is estimated to cost \$15 million more than the alternative originally proposed primarily because the soil action levels have been lowered for lead and arsenic to 400 ppm and 70 ppm, respectively. Since there are significant cost differences between these alternatives, the board recommends that the region clearly describe in site decision documents the benefits (including risk reduction) of the preferred alternative compared to other alternatives in the context of the NCP's nine criteria. This discussion should include the rationale for the lower soil action levels.
- The board recommends that the region consider the following opportunities for significant cost savings that are not likely to affect the protectiveness of the remedy:
  - Disposal and transport costs for the excavated soils under Alternative 6 may be reduced by approximately 50% by using the near by Globe facility instead of a commercial solid waste landfill. The board encourages the region to complete its evaluation of alternative disposal sites, giving the Globe facility full consideration in developing its cleanup proposal.
  - Information presented to the board indicates that the majority of contamination appears to be in the top two inches of soil. If this is so, savings may be realized by reducing the soil excavation depth from 12 to 6 inches for Alternative 6 where it is practical to do so.
  - The need to perform an annual clinic-based community health monitoring program for Alternative 6 does not appear to be justified after remedy implementation is complete and protective soil contaminant levels are achieved. However, the board recognizes that such a community health program is especially important during construction.
  - During remedy implementation, the region should consider additional refinements to the remedy that may improve its cost effectiveness. For example, Region 7 has utilized the following approaches at similar residential lead sites and achieved significant cost savings in implementing protective remedies.
    - re vegetating yards via hydro seeding instead of sodding (if such an approach is not precluded by water-usage and drought condition considerations); and,
    - Use of performance-based contracting rather than level of effort and time and materials contracts.

- Based on the current OU-1 RI sampling results, it appears possible that smelter-related lead contamination may be located in residential areas to the west of Downing Street and south of Blake Street, beyond the neighborhood / study area boundaries. The board encourages the region to look more carefully at the residential areas to the south and west for possible smelter-related contamination during future site investigation activities.

The NRRB appreciates the region's efforts in working together with the potentially responsible parties, state, and community groups at this site. We encourage Region 8 management and staff to work with their regional NRRB representative and the Region 3/8 Accelerated Response Center in the Office of Emergency and Remedial Response to discuss any appropriate followup action.

Thank you for your support and the support of your managers and staff in preparing for this review. Please call me at 703-603-8815 should you have any questions.

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